

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JAMIE L. TEDFORD,

Plaintiff,

JURY DEMANDED

vs.

No. 1:14-CV-975 CG-LAM

ALAMOGORDO SURGERY
VENTURES, LLC and CHARLES
THOMPSON,

Defendants.

AMENDED COMPLAINT FOR NEGLIGENCE AND DAMAGES

1. Plaintiff Jamie L. Tedford is a resident and citizen of Lowndes County, Mississippi.
2. Defendant Alamogordo Surgery Ventures, LLC (hereinafter referred to as, “Surgery Ventures”), is a New Mexico limited liability company that can be served with process on its registered agent, Sue Johnson-Phillippe located in 2669 N. Scenic Dr., Alamogordo, NM 88310. On information and belief, Defendant Surgery Ventures employed Defendant Charles Thompson and is responsible for all of his acts and omission as described more fully below through the doctrine of *respondeat superior*.
3. Defendant Charles Thompson, on information and belief, at the time of the events set forth herein resided in and was a citizen of Otero County, New Mexico. On information and belief, Defendant Thompson currently resides in and is a citizen of Saline County, Arkansas (315 Korbin Cove, Benton, AR 72015-4990).

4. On information and belief, none of the Defendants are qualified healthcare providers under the New Mexico Medical Malpractice Act during the time the events herein occurred.

5. The amount at issue in this matter exceeds \$75,000.00.

6. Jurisdiction and venue are proper in this Court.

FACTS APPLICABLE TO ALL COUNTS

7. On November 4, 2011, Plaintiff Tedford went to Gerald Champion's Scenic View Outpatient Surgery Center for a surgical repair of a hernia by Dr. Pollard.

8. The surgery staff consisted of the first scrub Defendant Thompson and a nurse anesthetist, Kenneth Paul Yeager, and a registered nurse Shannon Rust.

9. During the surgery, on information and belief, Defendant Thompson "apparently held down the cautery pencil with his forearm, which caused a burn to the left lower quadrant." According to Dr. Pollard, the burn was "close to full-thickness through the skin."

10. Although Dr. Pollard did his best to repair the burn, the burn still caused significant scarring to the Plaintiff's abdomen area.

11. As a result of Defendant Thompson's and/or other attendees' (as employees or agents of Defendant Surgery Ventures) actions, Plaintiff suffered damages more fully described below.

12. Defendant Surgery Ventures is responsible for Defendant Thompson's actions as described through the doctrine of *respondeat superior*.

COUNT I
NEGLIGENCE

13. Plaintiff incorporates the above paragraphs as though fully set forth herein.

14. Defendant Thompson owed a duty to Plaintiff to act as a reasonable person would holding and/or operating a cauterization pencil while near a person's skin.

15. Defendant Thompson breached that duty by holding "down the cautery pencil with his forearm, which caused a burn to the left lower quadrant."

16. As the direct and proximate result of Defendant Thompson's breaches, Plaintiff has suffered damages including, on information and belief, past medical bills, past pain and suffering, future medical bills, future pain and suffering, past emotional distress, and future emotional distress, and disfigurement.

17. Defendant Surgery Ventures is responsible for Defendant Thompson's actions as described through the doctrine of *respondeat superior*.

WHEREFORE, Plaintiff requests that this Court enter its Judgment for the Plaintiff for compensatory and special damages in an amount to be proven at trial, pre and post judgment interest, costs, and any additional relief the Court deems appropriate.

Respectfully Submitted,

THE DAVIS LAW FIRM, LLC

By: 

Ben Davis
111 Tulane Dr. SE
Albuquerque, NM 87106
Tel: (505) 750-8742
Fax: (505) 559-4808
E-mail: bdavis@tdlf-law.com

Attorney for Plaintiff